

N.D.A.G. Letter to Haskell (April 4, 1986)

April 4, 1986

Mr. Bruce B. Haskell
Assistant State's Attorney
Morton County Courthouse
210 Second Avenue N.W.
Box 190
Mandan, ND 58554

Dear Mr. Haskell:

Thank you for your letter of March 21, 1986, inquiring as to whether a proposed donation of \$40,000 by the Morton County Housing Authority to an entity which is designed to assist county senior citizens is provided for by law.

North Dakota law, as found at N.D.C.C. § 23-11-11(9) authorizes a county housing authority to arrange for the furnishing of services for facilities for or in connection with a housing project and the occupants thereof. The term "housing project" is specifically defined by N.D.C.C. § 23-11-01(1) so as to include a number of factual situations. The most relevant may be that portion of the definition which speaks of the providing of a decent, safe, and sanitary dwelling or other living accommodations for persons of low income.

Your letter does not include sufficient facts so as to determine whether or not the proposed objective of the donation described in your letter would satisfy the definition of housing project. However, assuming that such expenditure does satisfy this definition, it is my opinion that N.D.C.C. §23-11-11(9) does authorize the housing authority of Morton County to make such an expenditure.

Sincerely,

Nicholas J. Spaeth

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